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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,244	09/27/2001	Kevin Dotzler	09752-135001	5162

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2643

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,244	Applicant(s) DOTZLER, KEVIN	
	Examiner Melur Ramakrishnaiah	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilgoric (US PAT: 6,751,316, filed 12-10-1999) in view of Lin (US PAT: 6,597,786, filed 5-19-2000) and Morisada (JP09-252341).

Regarding claim 17, Gilgoric discloses a telephone switch comprising: a microphone amplifier (23, fig. 2A), a first and second microphones (3 and 13, fig. 1) connected to microphone amplifier, and a bias circuit (21, fig. 2A) connected between the microphone amplifier and first and second microphones (col. 3 lines 8-52). Gilgoric differs from claimed invention in not specifically teaching a switch connected between the bias circuit and the first microphone, a first bias current flowing to the first microphone when the switch is in on position, and a second bias current flowing to the second microphone when the switch is in an off position. However, Lin teaches a switch (E, fig. 1) connected between an amplifier and a first microphone (C1, fig. 1), a first bias current flowing to the first microphone (C1, fig. 1) when the switch is in an on position, and a second bias current flowing to the second microphone is in an off position (col. 2, line 45 – col. 3, line 8). The combination of Gilgoric and Lin differs from claim 17 in that it does not disclose a single switch for controlling signals flowing from the first microphone and a second microphone depending upon the position of the

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switch. However, Morisada discloses telephone set which teaches a single switch (7, Drawings 1-3) for controlling signals flowing from the first microphone and a second microphone depending upon the position of the switch (abstract; Drawings 1-5, paragraphs: 0007-0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination of Gilgoric and Lin to provide for a single switch for controlling signals flowing from the first microphone and a second microphone depending upon the position of the switch as this arrangement provide one of an arrangement, among may possible arrangements, to control signals flowing between the microphones as shown by Lin and Morisada.

Regarding claim 18, the limitations of claim are rejected for the same reasons as set forth in the rejection of claim 17.

The combination of Gilgoric and Lin differs from claims 19-20 in that it does not teach the following: bias circuit is connected directly to the second microphone wherein positioning step comprises connecting the bias circuit directly to the second microphone. However, Morisada teaches the following: bias circuit (reads on 6, Drawing 3) is connected directly to the second microphone (1, Drawings: 2-3) wherein positioning step comprises connecting the bias circuit directly to the second microphone (1, Drawings: 2-3, paragraph: 0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination of Gilgoric and Lin to provide for the following: bias circuit is connected directly to the second microphone wherein positioning step comprises connecting the bias circuit directly to the second microphone as this arrangement provide one of an arrangement,

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among many possible arrangements, to connect the microphone as shown by Lin and Morisada.

Response to Arguments

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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